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Indians

A MEMORIAL,

FROM THE

SYNOD OF KANSAS,

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SEMINARY IN VA

OF THE

PRESBYTERIAN CHURCH,

ASKING FOR THE

RESTORATION OF THE NEZ PERCE INDIANS

TO THEIR HOME

IN IDAHO TERRITORY.

WINFIELD, KANSAS:
COURIER JOB PRINTING HOUSE.

1881

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A MEMORIAL,

FROM THE SYNOD OF KANSAS, OF THE PRESBYTERIAN CHURCH, ASKING FOR THE RESTORATION OF THE NEZ PERCE INDIANS TO THEIR HOME IN IDAHO TERRITORY.

To His Excellency Chester A. Arthur, President of the United States:

At a meeting of the Presbytery of Emporia, held at Burlingame, Kansas, in October, 1881, Rev. Archie B. Lawyer, pastor of the Oakland Church, composed of Nez Perce Indians, located in the Indian Territory, and belonging to that part of the tribe known as Chief Joseph's Band, presented the following communication:

Oakland Agency, Ind. Ter., Sept. 30, 1881.

From the Presbyterian Church of Oakland Agency:

We, the church members—including elders numbering 150, do hereby authorize our pastor, Archie Lawyer, to lay and represent our desire before the Presbytery.

1st. We do not wish to stay in this country; therefore we do not desire a church to be built at this Agency, for we expect

that the Government will soon carry out or fulfill its promises to send us back to Idaho. When we surrendered to General Miles it was understood that we were to be sent back to our country immediately. But Government has kept us here in this country. But we are not in good health generally and a great many of our people are in bad health, and we are dying off very fast. The climate is not suitable, and we would be better off if we were in Idaho among our people. There we could enjoy our health far better than we can here. We earnestly appeal to Presbytery to consider these matters and do something to better our condition. While we make our appeal to Presbytery we remember that there is a still higher power than man's, who directs all things. We have expressed our desires in tears and sorrow, for we cannot be silent when we bury our friends one after another. Some one has to give an account to God for lives lost since we have been forced to die and suffer.

This is the request of all Christians.

In behalf of the church,

ARCHIE B. LAWYER, Pastor.

The presentation of this letter led to the following action by the Presbytery, which was re-affirmed by the Synod of Kansas, which latter body represents the Presbyterian church in Kansas and the Indian Territory :

WHEREAS, A letter from the Oakland Presbyterian church, composed of Nez Perce Indians, has been presented to this

body by Rev. Archie B. Lawyer, their pastor, praying our assistance in securing their return to their home in Idaho ;

Resolved, That a committee be appointed to bring the case of this people to the attention of the Synod of Kansas, in order that we may secure its co-operation in an effort to obtain a redress of some of the hardships and wrongs under which this band of Indians now suffer.

Resolved, That, in the opinion of this Presbytery, the Government is bound by every consideration of honesty, public policy and humanity to grant the request of this body of Nez Perces to be sent back to to their native land, and for the following reasons :

1st. It was stipulated at the time these Indians surrendered to General Miles that they should be sent back to Idaho, and it was upon this condition alone that they laid down their arms.

2nd. These Indians were self-supporting in Idaho, never accepting any rations from the Government, but subsisting themselves entirely by modes of stock-raising and agriculture, not practicable in their present location. In the Indian Territory they are supported wholly by the Government, and their passionate desire to be reunited with their tribe and restored to their native country makes it well nigh impossible to interest them in any scheme for self-improvement.

3rd. The great change from the clear mountain air and pure water of their mountain haunts to the flat malarial plains of the Indian Territory and the sluggish waters of the Salt Fork of

the Arkansas river has proved very disastrous to the health of this people.

4th. This band is but a fragment of the Nez Perce tribe, the great body being still in Idaho, and families are so divided by this exile that consequently the hardship of their forcible detention in the Indian Territory is greatly increased.

These resolutions were in accordance with this recommendation of Presbytery, carried up to the Synod of Kansas, and there re-affirmed; and your memorialists were appointed by this latter body as their representatives to bring the matter to the attention of the General Government, and to use such means as they deemed best and calculated to aid these Indians in securing their removal to Idaho.

The members of the committee appointed to prepare this memorial have lived on the border of the Indian Territory a number of years, and have been brought in contact with all kinds of Indians. We have no sentimental ideas as to the superlative goodness of the red man. Perhaps we have had our views concerning Indians tinged with the prejudice against the Indian which usually exists in the mind of the frontier settler. At any rate, although we believed that the request of these Indians ought to be granted from what we knew of their situation, we did not anticipate that all their claims as to violation of good faith on the part of the Government or alleged bad treatment would be borne out at every point by a careful investigation. We confess that we were surprised to find, in exam-

ining the Government reports, not only of the Indian Department but also those emanating from officers of the army, that every claim these Indians have made has been most emphatically endorsed and fully substantiated. We have held personal interviews with a number of Government officials and have had correspondence with others, and we have yet to find a single person who, either in official report or when directly interrogated by us, has been able to allege anything in justification of the treatment which these Indians have received at the hands of our Government. All who have had any relations with them as officers of our Government seem to echo the sentiment of Wm. J. Pollock, Esq., one of the Government inspectors of Indians, who in response to a letter of inquiry from this committee in a communication dated November 19, 1881, says :

"I thank God that your church has been interested in behalf of these unfortunate people. I have in times past presented the case of the Nez Perces to the Department with all the force at my command, and because thus far my appeals have not been heard, I have thought that I alone of all the world considered them aggrieved. Your letter encourages me to think that something may yet be done for them."

In making this plea in behalf of these people we have not been compelled to go outside of Government reports. Indeed, we find the justice of their cause more clearly and forcibly set forth by the representatives of the Government than by the Indians themselves. The Department records, public

documents, and the accounts of all that have visited them go to show that the Nez Perces are distinguished for traits rare in the Indian. Noted for their superior intelligence, their power, and wealth of cattle and horses, their fine physical development, freedom from disease and comparative virtue; they have been conspicuous for their warm friendship, for an unshaken fidelity to the pale-faces and for their strong attachment and unwavering loyalty during the late war.* From the time they were first brought in contact with the white man, during the visit of Lewis and Clark in 1806, they have always shown themselves trustworthy and the protectors of the white man and his property when the white men were completely in their power. Both rebel and Mormon emissaries tried in vain to shake their allegiance to our Government, and when the Nation needed their services they never failed to respond to the call.†. And until the late war with this band of Nez Perces, it could be said that "if one probable case of murder in 1862 be excepted, it is a fact, without precedent in American Indian history, that no Nez Perce of the full blood ever killed a white man." In the war which resulted in sending that band to the Indian Territory they took no scalps. It is to be remembered that the great body of the Nez Perces are on the Reservation in Idaho; that they have never been accused of the least breach of their treaty covenants with the Government, but were ever active in

* The Status of Young Joseph under the Treaties, &c. H Clay Wood, A. A Gen., Dept. Columbia, Portland, Oregon, p. 20.
† Ibid, p. 21

efforts to assist the Government in its efforts to subdue the outbreak of Chief Joseph's band. Some of them were killed and others wounded in battle with their own kindred. The tribe in Idaho numbers 2500. Chief Joseph's band, in whose behalf this memorial is prepared, are the only ones of this tribe who ever engaged in hostility with the whites. It is not the province of this committee to attempt any justification of this war against the Government. We cannot forbear, however, enforcing our plea by the statement that the motives which actuated Joseph and his people in this resistance of the Government were such as would, in the case of any civilized nation, be pronounced patriotic and just.

These people (Joseph's band) had signed the treaty of 1855, which ceded to them that territory which they regarded as their ancestral home; but when the treaty of 1863 was proposed, which would take that land to which they were so greatly attached, and which they believed the Great Spirit had given them and their fathers for an inheritance, they persistently refused to sign it. The other portion of the tribe acceded to its terms and went upon the Reservation, and have remained there to this day.

In 1876, when emigration was overflowing upon the land claimed by Joseph, the Government, fearing trouble with his band, sent a commission, of which General Howard was a member, to secure the removal of Joseph's band to the Reservation set apart by the Government for Nez Perce Indians. Before

this commission Joseph persistently maintained his right to the land, and asked nothing of the Government.*

In this interview five particulars are cited, in which the treaty with Reservation Indians had not been kept ;† and Joseph argues from this unfaithfulness with which the Government has treated the pledges of this treaty, that it would not be wise for his people to go on the reservation.‡ Standing aside from the treaty of 1863, and watching with a vigilant eye the way in which the Government treated those of his tribe who had entered into treaty relations, and finding that at every point the Government had ignored the provisions of the treaty whenever the Indian's rights had been neglected and trampled upon, and that every provision which bound the Indian was rigidly enforced;§ in short, discovering that the covenants of a treaty were a band of steel on the Indian but a mere rope of sand on the white man ; who can blame him for refusing to place himself under the power of such a treaty. We have no doubt that Joseph would have been induced to go on the Reservation if the provisions of the treaty of 1863 had been observed with the Reservation Indians. In defense of what they deemed their natural rights against a people they had never injured, and of whose failure to fulfill treaty obligations they had been constant witnesses, this band of Indians took up arms. After

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* Rept. of Bd. of Ind Commissioners, 1876, pp. 44 and 45.
† Rept. Bd Ind. Com., 1876, p. 47.
‡ Rept. Bd. Ind. Com., 1876, p. 58.
§ The Status of Young Joseph. H. Clay Wood, pp. 24—30.

a campaign remarkable alike for the bravery of the Indians and the consummate generalship of their leader* and the absence of acts of savage barbarity,† this band surrendered to General Miles with the express stipulation that they should be sent back to Idaho.† How were these honorable foes, conquered in a war in which they were nearer right than our Government, treated? They were, in violation of the conditions asked for and granted at the surrender, viz,—that they should be sent back to Idaho,—brought to Fort Leavenworth and located on the low bottom land of the Missouri river, the very hot-bed of malaria;‡ their women were outraged by the soldiers;§ many of their robes, blankets and other effects, including some of their supplies, were taken from them by their captors.‡ They were taken into the Indian Territory, where sickness and death followed them, so that by the vicissitudes of war—but largely on account of the sickness occasioned by the change of climate and the hardships attending this change—out of 950 souls that crossed the Lolo Trail in June, 1877, only 320 remain, and only about 30 of these would be classed as warriors.

Commissioner Kingsley, in his report for 1878, says, in summing up his statements concerning these Nez Perces: "Joseph stands before the American people a victim of duplicity; his confidence wantonly betrayed; his substance pillaged; an involuntary exile from home and kindred; his 'cause' lost; his

* General Howard's "Chief Joseph: his Pursuit and Capture," p. 274.
† Report of Bd of Ind. Com., 1878, p. 48.
‡ Report Bd. of Ind. Com., 1878, p. 51
§ See testimony on file in Int Dep't, taken by Agent Whiting, at Ponca Agency.

people rapidly wasting by pestilence ; an object, not of haughty contempt or vulgar ridicule, but of generous humane, treatment and consideration."*

These Indians to-day are simply prisoners of war, wrongfully held and dishonorably treated.

We ask that these Indians be restored to their home, not only as a matter of justice, but also on consideration of public policy. In the Indian Territory they will very likely always be pensioners on the Government. Twenty years residence here will never make these people feel otherwise than as exiles. Several have already committed suicide from sheer homesickness. Friends who were interested in them thought that by erecting for them a church building and inducing the Government to build houses for them they might be won over to contentment with their lot ; but, as you will see by reference to the letter with which this memorial opens, they do not want a church built, and for the reason that their desire to go back to the mountains swallows up everything else. Their kindred on the Reservation will give them land among them. Joseph and his band are eager to accept these terms and will return, promising to stay on it. Joseph and his people have never given consent to the alienation of the land taken from them without treaty ; and if the opinion of some competent lawyers is correct, they are legally entitled to recover this land. Would it not be a wise act of policy to treat with them for the lands to

* Report of Bd. of Ind. Com., 1878, p. 51.

which the Government has no valid title, by granting them the privilege of returning to the Reservation in Idaho?

In addition to the facts already stated, we would urge as a reason for restoring these people to their tribe in Idaho, the great wrong done in separating kindred, and in the breaking up of families. Parents are here whose children are in Idaho; children are here whose parents are in Idaho. Husbands are separated from wives. Presuming the Indians wholly in the wrong in this war (which no one, to our knowledge, alleges), we know no article of civilized warfare which justifies the separation of wife from husband, children from parents. Would not a humane policy suggest that this state of affairs ought to be righted and this people restored to their tribe as speedily as possible?

We would also call attention to the mortality among this people. Upon the testimony of the Government physician and others who are cognizant of the facts, the climatic change from the bracing, invigorating air of their former home to the malarial flats of the Indian Territory, has been highly detrimental to the health of this people. If the mortality continues to be great, and if some action is not taken, the "common leveler," death, will remove this people beyond the power of the Government to right the great wrong.

Your memorialists, Mr. Pressdent, represent a body of Christian people, who are striving to lay the foundations of religion and good morals on the frontiers of this country, and

to whose care, religiously, these Indians have been committed. We feel that fidelity to our trust, and jealousy for the honor of our country, compels us to make this plea. We have a dumb consciousness that there is, in the facts presented in this memorial, material for an appeal which would touch to the quick the heart and conscience of this Nation, in the hands of a skillful writer or speaker. Lacking these gifts, we must content ourselves with this simple recital of our story, trusting in that quick sense of justice and chivalry of heart which prompted you in former years to espouse the cause of the wronged and helpless, to make good any want of force in our presentation of this appeal. It may be that we have made a mistake in coming to you directly with our grievance. Perhaps we ought to have presented our memorial to Congress, or to one of the Departments. In our ignorance of political methods we have come directly to you, believing that you are willing to listen to statements of the "plain people" in behalf of the cause of justice and humanity, unaided by political influence or official endorsement. Being confident that our appeal will not be disregarded, but that you will use all power lodged in your hands as the President of the United States to redress this wrong, we commit the cause of this injured people to your care.

In behalf of the Synod of Kansas.

James E. Platter,
Samuel B. Fleming,
James Wilson.